



***Environmental
Planning
Commission***

***Agenda Number: 8
Project Number: 1001620
Case Number: 13EPC-40133
September 12, 2013***

Staff Report

Agent City of Albuquerque Planning Department

Applicant City of Albuquerque Planning Department

Text Amendments to the following Sections of the Zoning Code: §14-16-3-1 ROA 1994, General Parking Regulations, §14-16-2-15, Office & Institution (O-1) Zone, and §14-16-1-5(B) ROA 1994, Definitions.

Location City-wide

Staff Recommendation

That a recommendation of APPROVAL of 13EPC-40133 be forwarded to the City Council based on the Findings beginning on Page 13, and subject to the Conditions for Recommendation of Approval beginning on Page 15.

Staff Planner

Catalina Lehner, AICP-Senior Planner

Summary of Analysis

This request is for text amendments to the following sections of the Zoning Code: §14-16-3-1(F) ROA 1994, General Parking Regulations; §14-16-2-15(A) ROA 1994, O-1 Office and Institution Zone; and §14-16-1-5(B) ROA 1994, Definitions. The EPC's role is to make a recommendation to the City Council.

The proposed text amendments would amend the General Parking Regulations and the O-1 zone to allow permeable surfacing or permeable pavement for parking lots of 20 or fewer spaces, and would add corresponding definitions and amend an existing definition.

The request generally furthers the intent of the City Charter, the Zoning Code and applicable Comprehensive Plan Goals and policies.

This request was announced in the neighborhood news and posted on the Planning Department website. Staff has not received any inquiries or comments as of this writing.

The proposed conditions would improve clarity and create internal consistency in the Zoning Code. Staff recommends that an Approval recommendation be forwarded to the City Council.

City-wide

City Departments and other interested agencies reviewed this application from 07/29/2013 to 08/09/2013. Agency comments used in the preparation of this report begin on Page 18.

I. INTRODUCTION

Request

This request is for text amendments to §14-16-3-1(F) ROA 1994, the General Parking Regulations, to §14-16-2-15(A), the O-1 Office and Institution Zone, and to §14-16-1-5(B), the Definitions Section of the City's Comprehensive Zoning Code. The purpose of the proposed text amendments is to allow the use of permeable paving as an option for parking lot surfacing for parking lots of 20 or fewer spaces. This would give property owners more options for capturing the first ¼ inch of rainwater that falls on a site. The proposed text amendments are found in draft legislation authored by the Planning Department (see attachment).

The General Parking Regulations would be amended to allow "permeable surfacing" and "permeable pavement or permeable pavement system" in addition to blacktop paving, provided that it meets the City Engineer's requirements. The parking lot requirements in subsection (A) of the O-1 zone would be correspondingly amended. A definition of "Permeable Surfacing" and "Permeable Pavement, or Permeable Pavement System" would be added to the Definitions section and the definition of "Parking Space, Automobile and Light Truck" would be updated.

Scope

The proposed text amendments are to the General Parking Regulations, the O-1 Zone and the Definitions section of the Zoning Code, which are ordinances of general application. The proposed text amendments would apply City-wide. This request is considered legislative in nature.

Environmental Planning Commission (EPC) Role

The task of the Environmental Planning Commission (EPC) is to make a recommendation to the City Council regarding the proposed text amendments to the Zoning Code. The City Council is the City's Zoning Authority and will make the final decision. The EPC is a recommending body with review authority.

II. OVERVIEW

Context

Permeable surfacing, or permeable paving, is not mentioned in the Zoning Code. The sections that address parking, such as the General Parking Regulations (§14-16-3-1), the O-1 Office and Institution Zone (§14-16-2-15) and the Definitions section (§14-16-1-5(B)), refer only to asphalt concrete (blacktop). Generally, if something is not expressly mentioned in the Zoning Code, it is not allowed.

Like other municipalities, the City is required to comply with Federal regulations pertaining to storm water management, such as the Clean Water Act, and to hold a MS4 (Municipal Separate Storm Sewer System) permit under the US EPA National Pollution Discharge System (NPDES). In March 2013, legislation was introduced at City Council to update the City's drainage

ordinance (§14-5-2-1 ROA 1994). Though not through the process as of this writing, the drainage ordinance updates will ensure that the City complies with its MS4 permit by meeting EPA's Maximum Extent Practicable (MEP) standard.

All new developments will be required to capture runoff from precipitation events in an amount that is less than or equal to the 90th percentile storm event amount. The first ¼ inch of rainfall will need to be retained on-site. Capturing runoff water will be much more important than it has been in the past, as will techniques to achieve this such as on-site infiltration and water harvesting.

Also, under the Leadership in Energy and Environmental Design (LEED) program developed by the US Green Building Council, credits have been available for a while for using permeable surfacing in developments. Additionally, the use of permeable materials as a more sustainable development technique is a timely topic, especially given the proposed updates to the City's drainage ordinance (F/S O-13-47, in the Council process as of this writing). These factors combined to provide an impetus for drafting these proposed text amendments to the Zoning Code.

Background

City Staff became aware of the need to consider methods to help meet the abovementioned Federal requirements. Discussions had been underway regarding Low Impact Development (LID) techniques for storm water management, one of which is permeable paving, or permeable surfacing. In April 2013, Planning Staff created a first draft of proposed text amendments to the Zoning Code. Feedback was requested from Staff from Hydrology, Transportation and Zoning, and a representative from the paving industry.

Meetings with other Staff were held on March 1 and July 23, 2013 to explain the intent to allow permeable pavement City-wide and to obtain input. The engineers supported the idea of clarifying the terms "permeable pavement" and "permeable surface". The group decided that it would be better to keep related technical specifications in the Development Process Manual (DPM) rather than in the draft legislation, since technology is constantly evolving and so that Code Enforcement would not have to verify if a surface meets structural requirements. The second meeting was a continuation of the first, but focused more on hydrology issues and the new drainage ordinance.

Staff incorporated comments received in written form and via discussion. Staff also conducted research (see Section III of this report). The proposed text amendments continued to be refined and improved, and resulted in the version presented here.

III. RESEARCH

What is Permeable Paving?

Permeable paving refers to a range of sustainable materials and techniques. As an alternative to traditional impervious paving (asphalt or "blacktop"), pervious paving reduces storm water

runoff volumes by allowing water to pass through the surface course and infiltrate into the ground. In doing so, pollutants are filtered and water quality is improved. Also, more water is able to be retained on-site.

There are various types of permeable paving: pervious concrete, porous asphalt, gravel or crusher fines, stone pavers, concrete grid pavers, permeable interlocking concrete pavers (PICP), polymer or plastic grid pavers (often arranged in honeycomb style), and rubber paving made from recycled tires (Flexi-Pave). Examples are attached to this report.

Permeable paving is an important technique for Low Impact Development (LID). The US Environmental Protection Agency (EPA) defines LID as “an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible.” Permeable paving is used most commonly to reduce storm water runoff, but it can also reduce heat island effect and increase usage of recycled materials. LEED points can be obtained for meeting these objectives, and can help a project achieve certification under the LEED program. See the US Green Building Council’s website for more information. <http://www.usgbc.org/credits>

Regulations & Sector Development Plans

The use of permeable paving materials is mentioned in some regulations and sector development plans (SDPs), as follows:

Regulation or Plan	Location	Page	What
Downtown 2010 SDP	R-09-5, (D)(2) Paving Requirements	-	Stabilized crusher fines are allowed, as long as they are “of equal or superior performance characteristics.”
Large Retail Facility (LRF) Regulations	(2)(h) Landscaping (2)(n) Storm Water Facilities	-	Permeable paving allowed as technique for a water conservation and site hydrology re: storm water.
Nob Hill Highland SDP	R-12-40, Section 8.F of Plan	92	Porous concrete or asphalt, interlocking pavers, crushed gravel or crusher fines are allowed.
Volcano Cliffs SDP	Transportation Regulations, Standard 8- Sustainable Rainwater Design	41	Permeable concrete or unit pavers allowed for driveways and parking areas. Pavers should not be used in locations of high use.
Volcano Trails SDP	General Standards, Rainwater Quality & Mgmt.	51	“Permeable pavers and concrete” is listed as an appropriate technique for rainwater quality and management.

Review of Local Codes & Ordinances

Staff reviewed the City of Albuquerque Municipal Code for items related to storm water management and LID practices (see attachment). Portions of the following support and/or allow LID practices:

- Code of Ordinances, Chapter 6: Water, Sewer, and Streets

- Chapter 14, Section 5: Flood Hazard and Drainage Control
- Chapter 14, Section 14: Subdivision Regulations
- Chapter 14, Section 16: Zoning Code
- Development Process Manual (DPM)

Staff found that portions of the following do not support and/or allow LID practices:

- Chapter 14, Section 16: Zoning Code
O-1 Zone, General Parking Regulations and Landscape Regulations
- Development Process Manual (DPM)
Chapter 22- Drainage, Flood Control and Erosion Control
Chapter 23- Transportation Design

Staff has noted specific instances of conflict with LID practices (see attachment). Those in the O-1 zone and the General Parking Regulations are mostly included with the proposed text amendments. Those in the Landscaping Regulations, such as curb cuts (notches) and at-grade landscaping, are not included. Both techniques facilitate infiltration of runoff water. However, proposed amendments to the Landscaping Regulations were not advertised and it's possible that the Landscaping Regulations may be revised and/or updated at a future time.

Other Research

Staff researched various products and specifications, such as porous pavement, gravel, various paver types, Flexi-Pave and geo-blocks. Additional sources of information include the American Society of Landscape Architects (ASLA) and the US Green Building Council (USGBC).

IV. ANALYSIS

Citations are in regular text; ***Staff analysis is in bold italics.***

A) CHARTER OF THE CITY OF ALBUQUERQUE

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

Article I, Incorporation and Powers

“The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. *The purpose of this Charter is to provide for maximum local self government.* A liberal construction shall be given to the powers granted by this Charter.” (emphasis added)

Article IX, Environmental Protection

“The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To affect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.”

Adding provisions to the ROA 1994 to allow the use of permeable paving and permeable surfacing is an exercise in local self government (City Charter, Article 1). Amending the Comprehensive Zoning Code to allow a Low Impact Development (LID) technique generally expresses the Council’s desire to ensure the proper use and development of land, and protect and preserve environmental features, particularly water. Doing so would generally contribute to promoting a humane urban environment (City Charter, Article IX).

B) COMPREHENSIVE CITY ZONING CODE

Preface & Intent

Authority and Purpose (summarized): The Zoning Code is Article 16 within Chapter 14 of the Revised Code of Ordinances of Albuquerque, New Mexico, 1994 (often cited as ROA 1994). The administration and enforcement of the Zoning Code is within the City’s general police power authority for the purposes of promoting the health, safety, and general welfare of the public. As such, the Zoning Code is a regulatory instrument for controlling land use activities for general public benefit.

Role of Land Use Boards (aka Amendment Procedure, summarized): The City Council is the zoning authority for the City of Albuquerque and has sole authority to amend the Zoning Code. Through the City Charter, the City Council has delegated broad planning and zoning authorities to the Environmental Planning Commission (EPC). The EPC is advisory to the City Council regarding proposed text amendments to the Zoning Code.

The application for proposed text amendments to Zoning Code §14-16-3-1, General Parking Regulations, §14-16-2-15, the O-1 Office and Institution Zone, and to §14-16-1-5(B), Definitions, was filed in accordance with Zoning Code requirements. The proposed text amendments generally further the Zoning Code goal of promoting the health, safety and welfare of the citizens. Allowing usage of a LID technique to help the City meet Federal requirements regarding storm water infiltration would positively impact the built and natural environment and the overall health and welfare of the City. However, as the zoning authority for the City of Albuquerque, the City Council will make the final determination.

C) ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN

The Comprehensive Plan, the Rank I planning document for the City, contains goals and policies that provide a framework for development and service provision. The Plan's goals and policies serve as a means to evaluate development proposals and text amendments requests. Applicable goals and policies include:

C. Environmental Protection & Heritage Conservation-

Water Quality Goal: to maintain a dependable, quality supply of water for the urbanized area's needs.

The proposed text amendments would generally contribute to maintaining a quality water supply for the urbanized area's needs. Allowing permeable paving, in its various types, would help promote its use. The more permeable paving is implemented, the more it will help filter pollutants from runoff water that infiltrates into the soil and river. The request generally furthers the Water Quality Goal.

Water Quality Policy II.C.2e: Provide greater emphasis on a totally systems approach to water as a valuable resource.

In general, allowing the usage of permeable paving, a Low Impact Development (LID) technique, recognizes a total systems approach to water management. Permeable paving is one way to improve water quality by filtering pollutants, which recognizes the value of the water resource. The request generally furthers Water Quality Policy II.C.2e- systems approach/valuable resource.

Developed Landscape Goal: The Goal is to maintain and improve the natural and the developed landscapes' quality.

The usage of permeable paving could be a preliminary step to maintaining and improving the natural and developed landscapes' quality. Allowing pervious paving material would help storm water management efforts by facilitating the return of water to the ground, after pollutants are filtered out. Both undeveloped sites and the natural landscape would benefit, as would sites developed in the future and even the built environment in an overarching sense. The request generally furthers the Developed Landscape Goal.

D. Community Resource Management

Water Management Goal: The Goal is efficient water management and use.

The request furthers the Water Management Goal. Allowing permeable paving would improve the efficiency of storm water management overall, and would allow runoff water to be used efficiently because a greater amount of it would infiltrate the soil and return to the river or storm water system.

Water Management Policy II.D.2b: Maximum absorption of precipitation shall be encouraged through retention of natural arroyos and other means of runoff conservation within the context of overall water resource management.

The request furthers Water Management Policy II.D.2b- maximum absorption/runoff conservation. Allowing the use of permeable paving is a method of conserving runoff water and is part of an overall water resource management strategy.

Economic Development Goal: The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The proposed text amendments could generally contribute to economic development efforts. Allowing permeable paving as another option could help facilitate development that would be balanced with the environmental goal of protecting the natural environment, such as LEED and Green Path developments. The request generally furthers the Economic Development Goal.

V. ISSUES & IMPLEMENTATION

A couple of issues warrant discussion: Enforcement Concerns and Unintended Consequences.

Enforcement Concerns

During the development of the proposed text amendments, Code Enforcement Staff expressed concern that a lack of maintenance could result for properties on which permeable paving is implemented. For example, property owners who use permeable surfacing for an off-street parking area don't always ensure that their lots are level and usable. Though not the most common zoning violation, inspectors have notified and enforced against commercial property owners due to pot holes, broken asphalt and lack of parking lot striping.

Code Enforcement Staff also commented that pervious pavement could cause difficulties because there is no way to demarcate the individual parking stall's width or length with striping. This type of surface could also complicate the use of alternative modes of transportation such as bicycles, rollerblades, and skateboards. Similarly, any business use that provides shopping carts on their site will find it more difficult to roll the carts across this type of surface. Dirt and dust will also be more prevalent.

Possible, Unintended Consequences

The proposed text amendments would allow the use of permeable paving, or permeable surfacing, as an available LID technique; it would not be required. The intended consequences of increased usage of permeable surfacing would be increased amounts of runoff water retained on-site, infiltrating into the ground and filtering pollutants.

As Code Enforcement Staff noted, the proposed text amendments could have some unintended consequences such as complicating usage of bicycles, etc. and shopping carts, and contributing

to dirt and dust. However, permeable paving would only be allowed for parking lots with 20 or fewer spaces. Smaller parking lots are associated with smaller buildings, so the shopping cart problem would not be as serious as it would be for a larger development.

If maintenance of permeable paving and/or permeable surfaced parking lots becomes a problem, Staff notes that additional work for Code Enforcement would be an unintended consequence. However, it could take several years for permeable surfacing to become prevalent enough to create a large burden. Also, since the proposed text amendments aren't creating new regulation (ex. electronic signs, mobile signs), the unfunded mandate aspect is unlikely to be as significant. As technology evolves, hopefully permeable surfacing will become more affordable, more commonly used and easier to maintain.

VI. ANALYSIS- SUGGESTED REVISIONS TO THE PROPOSED TEXT AMENDMENTS

The proposed text amendments are to §14-16-3-1(F) ROA 1994, General Parking Regulations, §14-16-2-15(A), O-1 Office and Institution Zone, and §14-16-1-5(B), Definitions, of the Zoning Code. New language is [+underlined and bracketed+]. Deleted language is [~~underlined, bracketed and struck through~~].

Planning Staff's suggested additions and deletions to the originally drafted legislation are indicated by grey highlighting. Explanations are in ***bold italics***. Page references are to the proposed legislation (see attachment).

A) Albuquerque Code of Ordinances, Chapter 14- Zoning, Planning & Building, Article 16- Zoning Code, Section 1-5(B), DEFINITIONS

1. Page 1, Lines 10-17- proposed new definition:

[+PERMEABLE PAVEMENT OR PERMEABLE PAVEMENT SYSTEM. Pavement materials including pervious asphalt and concrete, interlocking pavers, modular pavers, and open-celled paving, or similar materials that allow the infiltration of water below the pavement surface. Gravel, turf or other materials that are not part of a structured system designed to manage storm water shall not be considered permeable pavement or a permeable pavement system. The structural design of the pavement [+or pavement system+] shall meet the requirements of the City Engineer and/or ~~their~~ [+his/her+] designee.+]

2. Page 1, Lines 18-21- proposed new definition:

[+PERMEABLE SURFACING. Any low-dust surface that allows the absorption of water into the ground including but not limited to: a surface covered by gravel, crusher fines, brick or pavers without continuous mortar joints, or similar materials that allow water to be absorbed into the ground through its surface.+]

These additions are necessary to describe what permeable paving is and what types of materials and/or systems would be acceptable. Staff's suggested revisions are for clarification.

3. Page 1, Lines 25-26 and Page 2, Lines 1-5- proposed amended definition:

PARKING SPACE, AUTOMOBILE AND LIGHT TRUCK. A suitable space for vehicular storage, at least 8.5 feet in width and 18 feet in length, that may be reduced to 16 feet in length where cars can overhang wheel stops, with access and circulation satisfactory to the Traffic Engineer; however, if a premises contains more than 20 parking spaces, one-third of the spaces may be at least 8 feet in width and 15 feet in length. [+Parking Spaces must be clearly identified through use of parking blocks, stripes, or other acceptable means.+]

The proposed language addresses Code Enforcement Staff's concern that the width and length of individual parking stalls would not be demarcated.

B) Albuquerque Code of Ordinances, Chapter 14- Zoning, Planning & Building, Article 16- Zoning Code, Section 3-1(F), GENERAL PARKING REGULATIONS

4. Page 2, Lines 7-32 and Page 3, Lines 1-2:

(F) Automobile, Light Truck and Motorcycle Space Standards. Off-street parking, except for houses, shall comply with the following:

- (1) Paving, all of which shall be maintained level and serviceable, shall be [+:+]

[+(a)+] Blacktop or equal: Two inches of asphaltic concrete on a prime coat over a four inch compacted subgrade, or a surface of equal or superior performance characteristics. Hereinafter, where a premises has four or more off-street parking spaces which, as laid out, require access off of an alley, the full width of the alley shall be paved ~~at least to the above standard~~ [+to City specifications+] from the parking access drive to a street [+ , or+].

[+(b) Permeable Pavement or Permeable Pavement System: The permeable ~~surface~~ [+pavement+] or permeable pavement system shall be designed to meet the requirements of the City Engineer and/or ~~their~~ [+his/her+] designee(s). Alternate paving materials shall be installed and maintained according to manufacturer's specifications. Pavement must support the expected loading and traffic and be sufficiently durable. Designated disabled parking spaces and pedestrian pathways must be paved with 2" asphaltic pavement or equivalent per City of Albuquerque standards to ensure compliance with Federal Guidelines.+]

- (4) Where parking areas abut the public street and are greater than 100 linear feet, and where total [+premises+] parking amounts to 50 spaces or more, screening shall be provided in the form of walls, ~~earth berms,~~ or evergreen landscaping, or a combination thereof. Screening shall be a minimum of 30 inches in height but shall not exceed 36 inches in height according to subsection ~~E(3)(a)~~ [+F(3)(a)+] of this section. Where walls are provided, they shall

integrate with building materials/colors. Where landscaping is provided, proper evidence must be provided indicating the plant selection will achieve proper height.

- (11) Parking requiring access off an alley must meet the requirements of division ~~(E)~~(1) [(F)(1)] above.

Staff's suggested revisions are for consistency and clarification. The definition of Permeable Pavement or Permeable Pavement System would be more internally consistent and would not introduce another term, permeable surfacing (which is undefined). The reference to earth berms in (4) is proposed for deletion at the suggestion of Hydrology Staff, who point out that berms used for parking lot screening contribute to nuisance water flows over sidewalks and that landscaping should be depressed (not raised) for water retention purposes.

C) Albuquerque Code of Ordinances, Chapter 14- Zoning, Planning & Building, Article 16- Zoning Code, Section 2-15(A), O-1 OFFICE AND INSTITUTION ZONE

5. Page 3, Lines 4-24:

(A)(12) Parking lot, providing it complies with the following:

(a) Paving, all of which shall be maintained level and serviceable [(+)] [(+ with individual spaces clearly identified.)]

1. The lot must be graded and surfaced with one of the following:

a. ~~Blacktop or equal:~~ [(+For parking lots of any size:)] Two inches of asphalt concrete [(+ , permeable pavement, or permeable paving [(+pavement+)] system, as described in the General Parking Regulations Surface Standards, §14-16-3-1(F)(1).)] ~~on a prime coat over a four inch compacted subgrade, or a surface of equal or superior performance characteristics.~~

b. For parking lots of 20 or fewer spaces, [(+permeable surfacing or 3/8" to 1" [(+3/8 inch to 1 inch maximum diameter +)] crushed+)] gravel: A layer at least two inches thick ~~of gravel sized from 3/8 minimum to one inch maximum diameter ,~~ [(+at least [(+with a minimum+)] 1/2 inch [(+depth+)] of which [(+that+)] shall be maintained on the surface [(+.)] ; g [(+G+)] ravel shall be kept off the right-of-way.

2. If street curbs and gutters exist adjacent to the parking lot property on a side where lot egress is allowed, the surfacing shall be blacktop for the width of the egress drive(s) and shall extend inward from the property line a minimum of 25 feet along all normal lines of egress traffic flow from the lot.

[(+3. Designated disabled parking spaces and pedestrian pathways must be paved with 2" asphaltic pavement or equivalent per City of Albuquerque standards to ensure compliance with Federal Guidelines.)]

The proposed revisions are to clarify the distinction between parking lots of any size, which can use impervious paving, and parking lots of 20 or fewer spaces which, with the proposed text amendments, would be able to use permeable surfacing in addition to gravel surfacing. The threshold of 20 spaces already exists in subsection (A)(12) and is not proposed to change.

D) Other, Minor Revisions

6. Not included in proposed legislation- Correct mis-referencing:

A. Section 14-16-3-1 (E), General Requirements.

- (1) It is unlawful to reduce the amount of existing parking below the minimum required by this section except as provided in Paragraph ~~(D)~~ **[+(E)+]** (6) below.
- (4) In the event of mixed uses, the total number of required off-street parking spaces is the sum of the requirements of the various uses computed separately. The total number of required off-street parking spaces may be reduced according to Paragraph ~~(D)~~ **[+(E)+]** (6) below.

These suggested revisions are to correct the existing mis-references internal to subsection (E), which contains the information referred to. Sub-section (D), Procedure, does not contain the information.

B. Section 14-16-3-1 (F)(11), Automobile, Light Truck and Motorcycle Space Standards.

- (11) Parking requiring access off an alley must meet the requirements of division ~~(E)~~ **[+(F)+]** (1) above.

These suggested revisions are to correct the existing mis-reference internal to subsection (F), which contains the information referred to. Sub-section (E), General Requirements, contains information about parking reductions and credits.

VII. COMMENTS

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

Code Enforcement Staff commented about the potential for maintenance issues, how to determine if a permeable pavement system satisfies the City Engineer's requirements, and parking lot striping (see also Section IV of this report). Also mentioned are potential difficulties for bicycles, rollerblades, skateboards and shopping carts. The Office of Neighborhood Coordination (ONC) stated that an article regarding the proposed text amendments was published in the August/September 2013 issue of the Neighborhood News.

Transportation Development Staff point out that trucks may require 2" asphaltic pavement or equivalent per COA standards. Unless surface grades are flush or sloped between permeable pavement and designated ADA pedestrian pathways, wheelchairs may only have access from

the public sidewalk or HC parking aisles. Designated pedestrian pathways of 2” asphaltic pavement or equal will require City Engineer approval to enhance longevity and prevent degradation. Also, there are pre-existing text errors and some out-of-date dimensions related to ADA standards.

The Albuquerque Metropolitan Area Flood Control Authority (AMAFCA) supports the proposed text amendments. This change will help reduce the contaminant loading in storm water runoff and will assist the City and AMAFCA in complying with the EPA MS-4 Storm water Discharge Permit. The pre-hearing discussion meeting was held on August 14, 2013. Agency comments begin on p. 18.

NEIGHBORHOOD CONCERNS

The proposed text amendments were posted on the Planning Department’s main web page and announced in the August/September 2013 issue of the Neighborhood News (NN). Staff had sent a brief article to Office of Neighborhood Coordination (ONC) Staff for inclusion in the NN. As of this writing, Staff has not received any inquiries or comments.

VIII. CONCLUSION

The proposed text amendments are to §14-16-3-1(F) ROA 1994, the General Parking Regulations, §14-16-2-15(A), the O-1 Office and Institution Zone, and to §14-16-1-5(B), the Definitions Section of the Zoning Code. The proposed text amendments would apply City-wide. The EPC’s role is to make a recommendation to the City Council.

The purpose of the proposed text amendments is to allow permeable paving, in addition to blacktop paving, City-wide provided that it meets the City Engineer’s requirements. The proposed text amendments were announced in the Neighborhood News and posted to the Planning Department’s web page. Staff has not received any inquiries or comments as of this writing.

Staff finds that the proposed text amendments generally further applicable Goals and policies. A few, minor Conditions for Recommendation of Approval are suggested to clarify the proposed legislation and remedy two existing mis-references. Staff recommends that an approval recommendation, with conditions, be forwarded to the City Council.

RECOMMENDED FINDINGS- 13EPC-40133, September 12, 2013- Zoning Code Text Amendments

1. The request is for text amendments to Zoning Code §14-16-3-1(F) ROA 1994, the General Parking Regulations; §14-16-2-15(A), the O-1 Office and Institution Zone, and to §14-16-1-5(B), Definitions. The General Parking Regulations would be amended to allow permeable paving in addition to blacktop paving, for parking lots of 20 or fewer spaces, provided that it meets the City Engineer's requirements. The parking lot requirements in the O-1 zone would be correspondingly amended. Definitions for "Permeable Surfacing" and "Permeable Pavement, or Permeable Pavement System" would be added and the definition of "Parking Space, Automobile and Light Truck" would be updated.
2. The purpose of the proposed text amendments is to allow the use of permeable surfacing, permeable pavement or a permeable pavement system as a Low-Impact Development (LID) technique for parking lot surfacing. This would give property owners more options for capturing the first ¼ inch of rainwater that falls on a site, which would help the City meet Federal requirements regarding storm water management.
3. The proposed text amendments would help support the proposed updates and revisions to the City's Drainage Ordinance (F/S O-13-47), which are currently before the City Council and have not been finalized as of this writing.
4. The EPC's task is to make a recommendation to the City Council regarding the proposed text amendments. The City Council is the City's Zoning Authority and will make the final decision. The EPC is a recommending body.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Comprehensive Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. Intent of the City Charter:

Adding provisions to the ROA 1994 to allow the use of permeable paving and permeable surfacing is an exercise in local self-government (City Charter, Article 1). Amending the Comprehensive Zoning Code to allow a Low Impact Development (LID) technique generally expresses the Council's desire to ensure the proper use and development of land, and protect and preserve environmental features, particularly water. Doing so would generally contribute to promoting a humane urban environment (City Charter, Article IX).

7. Intent of the Zoning Code (§14-16-1-3):

The application for proposed text amendments to Zoning Code §14-16-3-1(F), General Parking Regulations, §14-16-2-15(A), the O-1 Office and Institution Zone, and to §14-16-1-5(B), Definitions, was filed in accordance with Zoning Code requirements. The proposed text amendments generally further the Zoning Code goal of promoting the health, safety and welfare of the citizens. Allowing usage of a LID technique to help the City meet Federal requirements regarding storm water infiltration would positively impact the built and natural environment and the overall health and welfare of the City. However, as the zoning authority for the City of Albuquerque, the City Council will make the final determination.

8. The request generally furthers the Water Quality Goal and Water Quality Policy II.C.2e in the Comprehensive Plan, Section C. Environmental Protection & Heritage Conservation:

A. Goal: The proposed text amendments would generally contribute to maintaining a quality water supply for the urbanized area's needs. Allowing permeable paving would generally help promote its use. The more permeable paving is implemented, the more it will help filter pollutants from runoff water.

B. Policy II.C.2e- systems approach/valuable resource: Allowing permeable paving recognizes a total systems approach to water management. This As a Low Impact Development (LID) technique is one way to improve water quality by filtering pollutants, which recognizes the value of the water resource.

9. The request generally furthers the Water Quality Goal and Water Quality Policy II.C.2e in the Comprehensive Plan, Section D. Community Resource Management.

A. Water Management Goal: Allowing permeable paving would improve the efficiency of storm water management overall. Runoff water would be used efficiently because a greater amount of it would infiltrate the soil and return to the river or storm water system.

B. Water Management Policy II.D.2b- maximum absorption/runoff conservation: Allowing the use of permeable paving is a method of conserving runoff water and is part of an overall water resource management strategy.

10. The request generally furthers the following, applicable Comprehensive Plan Goals:

A. Economic Development: Allowing permeable paving as another option could help facilitate development that would be balanced with the environmental goal of protecting the natural environment, such as Leadership in Energy and Environmental Design (LEED) and Green Path developments.

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- B. Developed Landscape: The usage of permeable paving could be a preliminary step to maintaining and improving the natural and developed landscapes' quality. Allowing pervious paving would help storm water management efforts by facilitating the return of water to the ground. Both undeveloped sites and the natural landscape would benefit, as would the built environment in an overarching sense.
11. A few, minor Conditions for Recommendation of Approval are needed to clarify the proposed text amendments and to remedy two existing mis-references.
12. Code Enforcement Staff have expressed concern regarding the potential lack of maintenance for properties where permeable paving is implemented. Pot holes and/or broken asphalt could make the lots un-level and less usable. Also, some types of permeable surfacing could complicate the use of bicycles, skateboards and shopping carts, and potentially create dirt and dust. However, permeable paving would only be allowed for parking lots with 20 or fewer spaces and, as technology evolves, it will become more affordable, commonly used and easier to maintain.
13. The proposed text amendments were posted on the Planning Department's main web page and were announced in the August/September 2013 issue of the Neighborhood News, published by the Office of Neighborhood Coordination (ONC). As of this writing, Staff has not received any inquiries or comments.

RECOMMENDATION

That a recommendation of APPROVAL of Text Amendments to Zoning Code §14-16-3-1(F) ROA 1994, General Parking Regulations; §14-16-2-15(A), O-1 Office and Institution Zone; and to §14-16-1-5(B), Definitions, be forwarded to the City Council based on the preceding Findings and subject to the following Conditions for Recommendation of Approval.

CONDITIONS FOR RECOMMENDATION OF APPROVAL- 13EPC-40133, September 12, 2013-Zoning Code Text Amendments

Note: New language is [+underlined and bracketed+]. Deleted language is [underlined, bracketed and struck through]. Planning Staff's suggested additions and deletions are indicated by grey highlighting.

1. Definitions. Page 1, Lines 10-17:

[+PERMEABLE PAVEMENT OR PERMEABLE PAVEMENT SYSTEM. Pavement materials including pervious asphalt and concrete, interlocking pavers, modular pavers, and

open-celled paving, or similar materials that allow the infiltration of water below the pavement surface. Gravel, turf or other materials that are not part of a structured system designed to manage storm water shall not be considered permeable pavement or a permeable pavement system. The structural design of the pavement [+or pavement system+] shall meet the requirements of the City Engineer and/or their [+his/her+] designee.+]

2. General Parking Regulations. Page 2, Lines 7-32 and Page 3, Lines 1-2:

(2) Paving, all of which shall be maintained level and serviceable, shall be [+:+]

[+(a)+] Blacktop or equal: Two inches of asphaltic concrete on a prime coat over a four inch compacted subgrade, or a surface of equal or superior performance characteristics. Hereinafter, where a premises has four or more off-street parking spaces which, as laid out, require access off of an alley, the full width of the alley shall be paved ~~at least to the above standard~~ [+to City specifications+] from the parking access drive to a street [+ , or+].

[+(b) Permeable Pavement or Permeable Pavement System: The permeable ~~surface~~ [+pavement+] or permeable pavement system shall be designed to meet the requirements of the City Engineer and/or their [+his/her+] designee(s). Alternate paving materials shall be installed and maintained according to manufacturer's specifications. Pavement must support the expected loading and traffic and be sufficiently durable. Designated disabled parking spaces and pedestrian pathways must be paved with 2" asphaltic pavement or equivalent per City of Albuquerque standards to ensure compliance with Federal Guidelines.+]

3. O-1 Office and Institution Zone. Page 3, Lines 4-24:

A. (A)(12) Parking lot, providing it complies with the following:

(b) Paving, all of which shall be maintained level and serviceable [+:+] [+ with individual spaces clearly identified.+]

B. 1. The lot must be graded and surfaced with one of the following:

a. ~~Blacktop or equal:~~ [+For parking lots of any size:+] Two inches of asphalt concrete [+ , permeable pavement, or permeable paving [+pavement+] system, as described in the General Parking Regulations Surface Standards, §14-16-3-1(F)(1).+] ~~on a prime coat over a four inch compacted subgrade, or a surface of equal or superior performance characteristics.~~

b. For parking lots of 20 or fewer spaces, [+permeable surfacing or 3/8" to 1" [+3/8 inch to 1 inch maximum diameter +] crushed+] gravel: A layer at least two inches thick of ~~gravel sized from 3/8 minimum to one inch maximum diameter , at least~~ [+with a

~~minimum~~ ½ inch ~~depth~~ of which ~~that~~ shall be maintained on the surface ~~+~~
~~g~~ ~~+~~ gravel shall be kept off the right-of-way.

4. Other, Minor Revisions:

A. Section 14-16-3-1 (E), General Requirements.

(1) It is unlawful to reduce the amount of existing parking below the minimum required by this section except as provided in Paragraph ~~(D)~~ ~~+~~ (E) (6) below.

(4) In the event of mixed uses, the total number of required off-street parking spaces is the sum of the requirements of the various uses computed separately. The total number of required off-street parking spaces may be reduced according to Paragraph ~~(D)~~ ~~+~~ (E) (6) below.

B. Section 14-16-3-1 (F)(11), Automobile, Light Truck and Motorcycle Space Standards.

(11) Parking requiring access off an alley must meet the requirements of division ~~(E)~~ ~~+~~ (F) (1) above.

*Catalina Lehner, AICP
Senior Planner*

cc: City of Albuquerque, City Council, Attn: Chris Melendrez, P.O. Box 1293, Abq. NM 87102
City of Albuquerque, Planning Department, P.O. Box 1293, Abq. NM 87102

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Code Enforcement

Reviewed- The proposed text amendment could cause some unforeseen difficulties for citizens who park on private and public parking lots with pervious pavement systems since there is no way to demarcate the individual parking stall's width or length with striping. This type of proposed surface will also cause difficulties for citizens with alternative modes of transportation such as bicycles, rollerblades, and skateboards. Similarly, any business use that provides shopping carts on their site will find it more difficult to roll the carts across this type of surface. Dirt and dust will also be more prevalent with this type of surface.

Office of Neighborhood Coordination (ONC)

Citywide. 07/29/13 – Staff Planner to provide ONC with a NL article for the August/September 2013 issue – siw

The following was published in the Neighborhood News:

Project #1001620, 13EPC-40133: Proposed Text Amendments to the Zoning Code – The Environmental Planning Commission (EPC) will consider text amendments to Zoning Code Section 14-16-3-1, General Parking Regulations, Section 14-16-2-15, Office and Institution (O-1) Zone, and Section 14-16-1-5, Definitions, at its regularly scheduled public hearing on September 12, 2013.

The General Parking Regulations would be amended to allow permeable paving in addition to blacktop paving, provided it meets the City Engineer's requirements. The parking lot requirements of the O-1 zone would be correspondingly amended. A definition of "Permeable Surfacing" and "Permeable Pavement, or Permeable Pavement System" would be added to the Definitions section. The proposed text amendments would apply City-wide.

Please contact Catalina Lehner-AICP, Senior Planner, at (505) 924-3935 for more information.

Long Range Planning

This amendment will improve the ability of the City to manage storm water.

CITY ENGINEER

Transportation Development Services

A. There are pre-existing text errors in the current Albuquerque Code of Ordinances within the section proposed to be amended, in addition to some out-of-date dimensions related to ADA standards. Perhaps this hearing action is the appropriate opportunity to correct text errors and update ordinances to reflect current ADA standards for Accessible designs.

- B. Fire/Rescue, Solid Waste and service delivery trucks may require 2” asphaltic pavement or equivalent per COA standards.
- C. Unless surface grades are flush or sloped between the permeable pavement and the designated ADA pedestrian pathways, wheelchairs may only gain access to the pathways from points of entry (i.e. the public sidewalk or HC parking access aisles).
- D. The designated pedestrian pathways constructed of 2” asphaltic pavement or equal will require City Engineer approval to enhance longevity of pavement edges and prevent degradation.

Hydrology

- Hydrology has no objection to the amendment to the Zoning Code.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

- Reviewed, and no comments regarding on-street bikeways or roadway system facilities.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- The NMDOT has no objections to the text amendment for the Zone Code sections listed above.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Text Amendments shall include: None.

WATER UTILITY AUTHORITY

Utility Services

No adverse comment.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

No Crime Prevention or CPTED comments concerning the proposed Amendment to Zoning Code or Subdivision Regulatory Text request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Project # 1001620 13EPC-401133 AMNDT TO ZONING CODE OR SUBDN REGS TEXT. CITYWIDE	Adjacent and nearby routes	None.
	Adjacent bus stops	None.
	Site plan requirements	None.
	Large site TDM suggestions	None.
	Other information	None

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

AMAFCA supports the text amendment to the Zoning Code to allow permeable pavement. This change will help reduce the contaminant loading in storm water runoff and will assist the City and AMAFCA in complying with the EPA MS-4 Storm water Discharge Permit.

ALBUQUERQUE PUBLIC SCHOOLS

The City of Albuquerque proposes a City-Wide amendment to the zone code to allow permeable pavement or permeable pavement systems. This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MRCOG staff have no comment on the proposed application.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comments based on information provided to date.